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EXCISE

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INFO AMEMBASSY TOKYO
SA CINCUNC KS
CDJTCMAG SEOUL KS
COMUSKOREA SEOUL KS//EJ-IS
CINCPAC HONOLULU HI
C O N F I D E N T I A L SECTION 01 OF 02 SEOUL 11954
E.O. 12065: GDS 09/12/88 (BLAKEMORE, DAVID) OP-2
TAGS: PINT PGOV SKUN KS
SUBJECT: KIM DAE JUNG TRIAL (REPORT NO. 18)
REF: SEOUL 11895
1. (U) SUMMARY. IN THE LONG AFTERNOON SESSION OF SEPTEMBER 11 THE DEFENSE COUNSEL MADE LENGTHY AND OFTEN SPIRITED DEFENSE PLEAS. A COMMON ARGUMENT WAS THAT THERE IS NO EVIDENCE TO SUPPORT THE CHARGES. THE MORNING SESSION OF SEPTEMBER 12 WAS TAKEN UP BY LENGTHY STATEMENTS OF THE DEFENDANTS, BEGINNING WITH THOSE CHARGED WITH MARTIAL LAW VIOLATIONS. YI HAE DONG MADE A DRAMATIC SPEECH IN WHICH HE SAID HE HAD CONFESSED ONLY AFTER REPEATED BEATINGS AND COULD NOT FACE HIMSELF FOR THE FAILURE OF HIS COURAGE. THE STATEMENTS OF THE DEFENDANTS CONTINUED IN THE AFTERNOON SESSION OF SEPTEMBER 12. END SUMMARY.
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2. (U) AT THE AFTERNOON SESSION OF SEPTEMBER 11, EACH DEFENSE COUNSEL HAD THE OPPORTUNITY TO MAKE A LENGTHY STATEMENT IN BEHALF OF HIS CLIENT. THREE LAWYERS, LED BY HO SUNG-MAN (M-R), ARGUED ON BEHALF OF KIM DAE JUNG (M-R: KIM TAE-CHUNG) FOR NEARLY TWO HOURS. HO MADE THE FOLLOWING POINTS:
- -- DEMOCRACY ALLOWS CRITICISM, SOMETIMES EVEN RESISTANCE;
- -- THE DEFENDANTS CANNOT BE HELD TO THEIR STATEMENTS MADE DURING A LONG PERIOD OF ILLEGAL DETENTION;
- -- THE CHIEF WITNESS AGAINST KIM DID NOT TESTIFY;
- -- THE GOVERNMENT INTRODUCED NO PROOF, OTHER THAN NEWSPAPERS, THAT KIM HAD AGREED TO BE THE CHAIRMAN OF AN ANTI-STATE ORGANIZATION (SANMINJONG JAPAN);

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY H. Temple DATE 8/18/82
PORTIONS DENIED AS INDICATED

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-- THE TREND IN THE WORLD IS AGAINST THE DEATH PENALTY,
AND IT MUST NOT BE IMPOSED.

3. (C) KIM'S OTHER LAWYERS MADE SIMILAR POINTS, CLAIMING THAT THE GOVERNMENT HAS NOT PRODUCED SUFFICIENT EVIDENCE TO PROVE ANY WRONGDOING, AND THAT FOREIGN NEWSPAPERS ARE NOT CREDIBLE EVIDENCE. ONE OF THEM NOTED THAT PRESIDENT CHUN DOO-HWAN (M-R: CHON TU-HWAN) HAS SAID THAT KOREA IS OPENING A NEW ERA, AND ASKED HOW THAT COULD BEGIN WITH THE EXECUTION OF KIM.

4. (U) THE COURT THEN INVITED EACH SUCCEEDING DEFENSE LAWYER TO MAKE AN ORAL ARGUMENT. MANY PLEAS WERE QUITE

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SPIRITED. COMMON THEMES WERE THAT THE GOVERNMENT HAD NOT INTRODUCED SUFFICIENT EVIDENCE OF GUILT TO CONVICT, THAT THE INTENTION OF THE DEFENDANTS WAS TO BRING DEMOCRACY TO THE ROK, AND THAT THEY HAD NEVER COUNSELED VIOLENT DEMONSTRATIONS. PARTICULARLY NOTEWORTHY STATEMENTS WERE MADE BY YI SE-CHUNG (M-R) FOR YI MUN-YONG (M-R), WHO ARGUED THAT THE INVESTIGATIVE RECORD WAS "FORGED BY THE INVESTIGATORS UNDER THREAT AND DURESS," AND THAT THE PROSECUTOR HAS PRODUCED NO VALID EVIDENCE. YI ARGUED THAT THE MARTIAL LAW PROCLAMATION PROHIBITING ASSEMBLY IS "TOO VAGUE." HE ALSO NOTED THAT PRESIDENT CHUN HAS MADE "JUSTICE" ONE OF HIS SLOGANS, AND ASKED THAT JUSTICE BEGIN WITH ACQUITTAL OF THESE DEFENDANTS. ONE OF THE COURT-APPOINTED LAWYERS SPENT THE FIRST SEVERAL MINUTES OF HIS ARGUMENT REASSURING THE FAMILIES THAT THEY SHOULD BE HAPPY WITH THE STATE-APPOINTED LAWYERS WHO ARE "DOING THEIR BEST."

5. (U) THE MOST DRAMATIC MOMENTS OF THE AFTERNOON WERE PROVIDED BY SO CHONG-PAL (M-R), A COURT-APPOINTED LAWYER REPRESENTING SOME OF THOSE ACCUSED OF MARTIAL LAW VIOLATIONS. SO ARGUED THAT DEMONSTRATIONS DO NOT MEAN INSURRECTION, AND THAT IN THIS PAST YEAR THERE WAS A REAL PRESIDENTIAL RACE DEVELOPING BETWEEN THE THREE KIMS WHICH THE ROKG BRANDED AS "INSURRECTION." "NONSENSE," HE SAID. HE CLOSED BY SAYING THAT PRESIDENT CHUN HAS PLEDGED WELFARE TO ALL, AND THAT WELFARE SHOULD BEGIN IN THIS COURTROOM. THROUGHOUT HIS SPEECH, AS HE GATHERED MOMENTUM, THE FAMILIES BEGAN TO TITTER, THEN LAUGH, AND FINALLY APPLAUD.

7. (C)

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2. (C) THE MORNING SESSION OF SEPTEMBER 12 WAS TAKEN UP BY THE STATEMENTS OF 2 OF THE DEFENDANTS, BEGINNING WITH THOSE ACCUSED OF MARTIAL LAW VIOLATIONS. WITH THE NOTABLE EXCEPTION OF YI TAE-CHA (M-R), ALL MADE IMPASSIONED ARGUMENTS THAT THEY WERE INTELLECTUALS OR POLITICIANS WHO HAD DEVOTED THEIR ENTIRE LIVES TO BUILDING DEMOCRACY IN THE ROK. YI TAE-CHA, WHOSE TESTIMONY HAS BEEN THE LEAST HELPFUL TO KIM DAE JUNG AND THE OTHER DEFENDANTS, MERELY SAID THAT HE HAD TRIED TO BE A GOOD PUBLIC SERVANT BUT HAD

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STARTED HIS CAREER AS A MILITARY PROSECUTOR AND WAS NOW ENDING IT IN A MILITARY COURT.

3. (C) ONE OF THE MOST MOVING MOMENTS OF THE TRIAL TO DATE WAS PROVIDED BY YI HAE-CHANG (M-R), A CHRISTIAN MINISTER. SPEAKING SOFTLY BUT WITH GREAT EMOTION, YI TOLD THE HUSHED COURTROOM, "I, TOO, REALIZED TO MY DESPAIR, HOW FRAGILE A MAN IS BEFORE FORCE.... FOR THREE DAYS, I WAS BEATEN REPEATEDLY AND MERCILESSLY. I WAS MADE IN THE END TO CONFESS LIES AS TRUTH." HE SAID THAT HE WAS "UTTERLY DISILLUSIONED WITH HIMSELF" FOR HIS FAILURE TO STAND UP TO THE BEATINGS. THE CHURCH IS OFTEN ACCUSED OF BEING POLITICAL, BUT WHAT IS POLITICAL IS A MATTER OF JUDGMENT. WHAT, HE ASKED, IS NOT POLITICAL IN MODERN

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SOCIETY, AND WHY SHOULD HIS ACTIONS BE CRIMINAL?

16. (C) DURING YI'S PLEA, WHICH LASTED ABOUT 25 MINUTES, THE COURTROOM WAS ESPECIALLY QUIET. A FEW FAMILY MEMBERS OPENLY WEPT, THE FIRST TIME WE HAVE SEEN THIS. EVEN THE COURT SEEMED MOVED AND QUIETLY ADJOURNED FOR LUNCH AT THE CONCLUSION OF YI'S PLEA. AFTERWARDS, THE FAMILIES WERE EVEN MORE VOCAL THAN THURSDAY AFTERNOON, AND THERE WAS SOME PUSHING AND SHOVING WITH THE GUARDS WHO CONTINUED TO HANDLE THE SITUATION WITH RESTRAINT.

17. (C) [redacted]

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